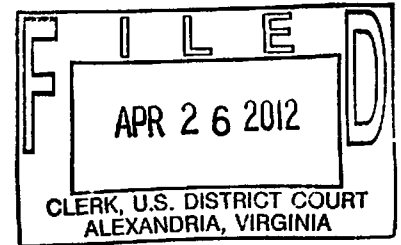


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



EXELIXIS, INC.,)

Plaintiff,)

v.)

DAVID J. KAPPOS, Undersecretary of)
Commerce for Intellectual Property and Director)
of United States Patent and Trademark Office,)

Defendant.)

Civil Action No. 1:12-cv-96

AGREED ORDER

In the above-captioned action, plaintiff seeks, pursuant to 35 U.S.C. § 154(b)(4)(A), judicial review of the United States Patent and Trademark Office ("USPTO")'s decision regarding the number of days of patent term adjustment to apply to U.S. Patent No. 7,989,622. Such judicial review proceeds pursuant to the Administrative Procedure Act ("APA"), see 35 U.S.C. § 154(b)(4)(A), and the APA requires that this Court's review of the pertinent agency decision be made solely on the basis of the administrative record of proceedings before the agency. See 5 U.S.C. § 706. The parties therefore agree that this matter may be adjudicated on cross-motions for summary judgment, without discovery, and have further agreed to the following briefing schedule.

Accordingly, for good cause shown, it is hereby

ORDERED that defendant shall file the administrative record of proceedings on or before May 15, 2012; it is further

ORDERED that plaintiff shall file its motion for summary judgment and supporting

memorandum on June 12, 2012; it is further

ORDERED that defendant shall file its own motion for summary judgment, with a single memorandum in support of its own motion and in opposition to plaintiff's motion on July 10, 2012; it is further

ORDERED that plaintiff shall file a single memorandum containing reply arguments in support of its own motion for summary judgment and in opposition to defendant's motion for summary judgment on July 24, 2012; it is further


ORDERED that defendant shall file a reply memorandum in support of its own motion for summary judgment on August 7, 2012; and it is further

ORDERED that the parties shall notice their respective motions for hearing on August 24, 2012, at 10:00 a.m.

Date: _____

April 26, 2012

UNITED STATES DISTRICT JUDGE



T. S. Ellis, III
United States District Judge

WE ASK FOR THIS:

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ATTORNEY FOR DEFENDANT

Date: 4/26/2012